

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

F. Ronald Elmo, et al.

v.

Civil No. 10-cv-00286-JL

James M. Callahan, et al.

**ORDER AFTER PRELIMINARY  
PRETRIAL CONFERENCE**

The Preliminary Pretrial Conference was held in chambers on  
**November 10, 2010.**

Plaintiff's Proposed Discovery Plan (document no. 16) is approved as submitted, with the following changes:

- Depositions - **10 per party, excluding experts**
- Expert challenge - **90 days before trial**
- Exchange of witness and exhibit list - **Local Rules apply**
- Mediation - **federal mediation program will be utilized**
- Joinder/Third Party claims - **February 1, 2011**
- Close of discovery - **July 30, 2011**
- Close of expert discovery - **June 21, 2011 (expert supplementation)**

Plaintiff's expert disclosure - **April 15, 2011**  
Defendant's expert disclosure - **June 1, 2011**

- Motion to Dismiss deadline - **February 21, 2011**

- Summary judgment deadline - **August 1, 2011**
- Jury trial - **November 2011**

**Summary Judgment.** The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

**Discovery disputes.** Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will

normally be granted. If the Magistrate Judge is recused, alternate arrangements will be made.

**SO ORDERED.**



Joseph N. Laplante  
United States District Judge

Dated: November 15, 2010

cc: Richard E. Fradette, Esq.  
Stephen David Coppolo, Esq.  
Mark E. Howard, Esq.